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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O. No. 2727 of 2007
Date of decision: 14.9.2007

Managing Director, Pepsu Road Transport Corporation Ltd.,

Patiala **...Appellant**

Versus

Manjit Kaur and others **..Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. H. N. S. Gill, Advocate for the appellant.

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RAJESH BINDAL, J.

Challenge in the present appeal is to the award of the Motor Accident Claims Tribunal, Chandigarh (for short "the Tribunal"), whereby in a claim petition filed by widow and sons of deceased Sardara Singh, an award of Rs. 3.07 lacs was passed against the appellant.

2. The contention raised is that it was a case of contributory negligence and accordingly, the appellant was not liable to bear the burden of entire compensation. To substantiate his argument, it is submitted that deceased, who was on motorcycle emerged on the main road all of sudden from a link road while driving the motorcycle in a rash and negligent manner struck against the bus. However, besides being a bald statement of the driver of the bus, there was no material on record to prove this fact. Mere statement of the driver could not be a sole basis to hold that the deceased was negligent. As against this, the claimants supported the claim petition on the plea of rash and negligent driving of the bus by producing PW2 and also by proving on record FIR No. 161 dated September 3, 2005 where also negligence of the driver of the bus was duly recorded. Statement of PW2 Daljit Singh was found to be more credible as against the self serving statement of the driver as he was not related to the claimants.

3. With this material on record, I do not find any substance in the

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contention raised by learned counsel for the appellant that there is any error in the view taken by the Tribunal while holding that driver of the bus was negligent. Even on account of assessment of compensation as well, the Court below, on the basis of evidence produced by the claimants on record, found that he was earning salary of Rs. 8000/- per month being a skilled worker, whose dependency was calculated at Rs. 5000/- per month. Considering the age, the multiplier as per schedule of the Motor Vehicle Act, 1988 was applied and amount of compensation was assessed. The appellant did not lead any evidence to dislodge the claim made by the claimants. Accordingly, even on this issue, I do not find any merit.

4. In view of my above discussions, the appeal is meritless and the same is dismissed.

September 14, 2007 **(Rajesh Bindal)**
Pka **Judge**